

1 J. TONY SERRA #32639
SARA ZALKIN #223044
2 506 Broadway
San Francisco CA 94133
3 Telephone: 415/986-5591

4 Attorneys for Defendant
MICHAEL MARTIN
5
6
7

8 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION
10

11 UNITED STATES OF AMERICA,

CR 07-70574 WDB

12 Plaintiff,

13 v.

14 MICHAEL MARTIN, et al.,

15 Defendants.
16 _____/

**THIRD STIPULATION TO WAIVE TIME
UNDER THE SPEEDY TRIAL ACT WITH
RESPECT TO PRELIMINARY HEARING
AND FILING OF FURTHER CHARGING
DOCUMENTS**

17 This matter is scheduled for preliminary hearing or
18 arraignment on Friday, December 14, 2007 at 10:00 a.m.

19 The government provided as discovery over 1,400 pages of
20 documents during the month of October. In early November, the
21 government provided 10 CD-ROMs containing photographs and video
22 recordings.

23 Additional discovery was produced as recently as December
24 5, 2007, consisting of further DEA-6 reports.

25 The parties have previously agreed and so stipulated to
26 waive time for the preliminary hearing in order for counsel to
27 have sufficient time to review the discovery and evaluate the
28 prospect of pre-indictment resolution.

LAW OFFICES

506 BROADWAY
SAN FRANCISCO
(415) 986-5591
Fax: (415) 421-1331

1 The parties had scheduled a meeting wherein counsel for all
2 parties would meet and confer.

3 However, the meeting did not go forward as planned, and as
4 of the time of writing, the parties are attempting to
5 reschedule.

6 The exclusion of additional time will facilitate the
7 prospect of meaningful discussions which could obviate the need
8 to consume judicial and public resources as well as some of the
9 defendants' resources with respect to investigation and
10 litigation of motions in preparation for trial.

11 In light of the foregoing, all of the defendants agree to
12 waive the necessary additional time pursuant to Fed.R.Crim.P. 5
13 and 18 U.S.C. § 3161, the Speedy Trial Act, such that the pre-
14 liminary hearing be extended to January 23, 2008 at 10:00 a.m.

15 All of the defendants are out of custody on bond.
16 Defendants each have consulted with their attorneys and
17 understand that they have the right to a preliminary hearing or
18 that further charging documents be presented and filed with the
19 Court on the day of or before said preliminary hearing.
20 Pursuant to Fed.R.Crim.P. 5.1(d), the defendants knowingly and
21 voluntarily waive their rights to a preliminary hearing on
22 December 14, 2007, and agree to extend the time for preliminary
23 hearing until January 23, 2008. The parties also agree that
24 good cause exists to grant the extension in light of the ongoing
25 discovery process and for the effective preparation of counsel
26 for the defendants.

27 The parties jointly request that the time between December
28 14, 2007, and January 23, 2008, be excluded under the Speedy

1 Trial Clock to allow defendants' counsel to review any
2 additional discovery and effectively prepare, taking into
3 account the exercise of due diligence. See 18 U.S.C. §§
4 3161(h) (8) (A) and 3161(h) (8) (B) (iv). The parties agree that the
5 "ends of justice served by the granting of such continuance
6 outweigh the best interests of the public and the defendant[s]
7 in a speedy trial." 18 U.S.C. § 3161(h) (8) (A).

8 Dated: December 11, 2007

9 SCOTT N. SCHOOLS
10 United States Attorney

11 /s/ SHASHI KEWALRAMANI
12 H.H. (SHASHI) KEWALRAMANI
13 Assistant United States Attorney
14 Attorney for the United States

14 /s/ SARA ZALKIN
15 SARA ZALKIN
16 Attorney for MICHAEL MARTIN

/s/
MICHAEL MARTIN
Defendant

16 /s/ RANDOLPH E. DAAR
17 RANDOLPH E. DAAR
18 Attorney for JESSICA SANDERS

/s/
JESSICA SANDERS
Defendant

19 /s/ JEROME MATTHEWS
20 JEROME MATTHEWS
21 Attorney for MICHAEL ANDERSON

/s/
MICHAEL ANDERSON
Defendant

21 /s/ TED CASSMAN
22 TED CASSMAN
23 LAUREL HEADLEY
24 Attorneys for DIALLO McLINN

/s/
DIALLO McLINN
Defendant

25
26
27
28
LAW OFFICES

506 BROADWAY
SAN FRANCISCO
(415) 986-5591
Fax: (415) 421-1331

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, CR 07-70574 WDB
Plaintiff, [PROPOSED] ORDER GRANTING THIRD
v. STIPULATION TO WAIVE TIME UNDER
SPEEDY TRIAL ACT AND FOR
MICHAEL MARTIN, et al., PRELIMINARY HEARING
Defendant.

Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. §
3161(h)(8), the parties in this matter have filed a Third
Stipulation to Waive Time Under the Speedy Trial Act and for
Preliminary Hearing, seeking to waive and extend the time for
the preliminary hearing and to exclude the time between December
14, 2007, through January 23, 2008, from the Speedy Trial Clock.
The stipulation was signed by counsel of record as well as the
defendants such that the defendants are knowingly and
voluntarily waiving their rights to a preliminary hearing on
December 14, 2007, and extending the preliminary hearing until
January 23, 2008.

1 The stipulation noted that the government provided
2 discovery to defendants' counsel during the period previously
3 excluded (from October 26, 2007 to December 14, 2007).

4 Additional time will allow defendants' counsel to better
5 evaluate the case, including the prospect of early resolution at
6 the pre-indictment stage. Counsel also acknowledged that an
7 exclusion of time under the Speedy Trial Act is appropriate to
8 allow for the effective preparation of defense counsel taking
9 into account the exercise of due diligence. Good cause
10 appearing therefor,

11 **IT IS HEREBY ORDERED** that the period between December 14,
12 2007, and January 23, 2008, is excluded from the Speedy Trial
13 Clock to allow counsel to effectively prepare, taking into
14 account the exercise of due diligence. 18 U.S.C. §
15 3161(h)(8)(B)(iv). The Court finds that the "ends of justice
16 served by the granting of such continuance outweigh[s] the best
17 interests of the public and the defendant in a speedy trial."
18 18 U.S.C. § 3161(h)(8)(A). Additionally, the Court finds that
19 the defendants knowingly and voluntarily waived the period
20 between December 14, 2007, and January 23, 2008, such that
21 preliminary hearing is now scheduled for January 23, 2008 at
22 10:00 a.m.

23 Dated:

24
25
26

WAYNE D. BRAZIL, Judge
United States District Court

27 **LAW OFFICES**

28 506 BROADWAY
SAN FRANCISCO
(415) 986-5591
Fax: (415) 421-1331